

	LOS LUNAS POLICE DEPARTMENT		
	OPERATIONS	NUMBER: OPR.01.01	EFFECTIVE DATE: April 20, 2010
	SUBJECT: Patrol		REVIEW DATE: May 1, 2017
	AMENDS/ SUPERSEDES:		NMSA:
NMMLEPSC STANDARDS: OPR.01.01-OPR.01.07 & OPR.01.09- OPR.01.10, OPR.07.01-OPR.07.05		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

I. STATEMENT OF PURPOSE

The department's vehicles are essential to an effective police operation. Carefully selected and maintained vehicles have a positive effect on police operations in general and individual officer performance in particular. Emphasis is placed on preventative maintenance, prompt mechanical repair, application of safety standards and obtaining maximum utilization of the available fleet.

II. PATROL VEHICLES

Each patrol unit is conspicuously marked and equipped with items to assist in routine daily occurrences. This may include, but not be limited to,

- A. a first-aid kit/CPR mask blanket
- B. flares
- C. roll-a-tape
- D. hand tools
- E. fire extinguisher shotgun
- F. ar-15 rifle
- G. RADAR/LIDAR
- H. video/still camera
- I. evidence collection materials
- J. fingerprint kits

- K. siren
- L. emergency lights radio
- M. Traffic Vests
- N. flashlights

All unmarked vehicles used for traffic enforcement will be equipped with siren, radio, and emergency lights.

III. SPECIAL PURPOSE VEHICLES

A number of vehicles are owned and operated by the Los Lunas Police department which is designated for special purposes.

- A. DWI Enforcement Trailer
 - 1. The Los Lunas Police department utilizes a one-axle trailer for DWI Enforcement.
 - 2. The use of this trailer is primarily intended for the purpose of DWI Enforcement in the form of Sobriety Checkpoints.
 - 3. The trailer is equipped with all necessary equipment to conduct the Sobriety Checkpoint.
 - 4. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure sufficient gasoline is available to conduct the checkpoint.
 - 5. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure the readiness of any equipment for the next checkpoint.
 - 6. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure that all items are replaced in the trailer and it is parked in the designated position in the parking lot.
 - 7. No special training is required for its use.
- B. Operators of any special purpose vehicle, which is borrowed, will possess valid training and appropriate license for that vehicle.
 - 1. All vehicles which are borrowed from an outside agency must be approved by the Chief and a list of information must be attached to the request.

- a. type of vehicle
- b. cost of vehicle
- c. length of time vehicle will be used
- d. purpose
- e. All information will be provided to the City Procurement for insurance needs.

- 2. It will be the responsibility of the operator to ensure that proper maintenance is performed.
- 3. Only a Lieutenant or above will be authorized to sign for vehicles from another agency and only with prior approval of the Chief of Police.

- C. RADAR TRAILERS will be parked around the Village of Los Lunas on a case by case basis. The trailer can be transported by any police or city owned vehicle capable of towing, no special training necessary to set up the radar trailer.

IV. OPERATION OF POLICE VEHICLES

- A. When leaving a department vehicle parked and unattended, employees shall turn off the engine, lock doors and retain the key on their person unless impossible or impractical because of duty requirements. The security of police equipment and confidential material in vehicles will be the responsibility of each individual officer.
- B. Regardless of weather conditions, officers shall roll up all windows in police units at the end of their tour of duty.
- C. An employee should secure his/her police vehicle while the engine is running. The only exceptions will be if the employee has to exit the vehicle in an emergency situation or on normal traffic violations.
- D. In the event an officer moves equipment from one vehicle to another, it is his/her responsibility to replace the equipment or notify his/her supervisor of the change and reason.
- E. Only authorized personnel are permitted to operate police vehicles. Authorized personnel consist of Village of Los Lunas

employees and maintenance personnel.

V. USE OF SEAT BELTS

While operating a police vehicle, members of this department will use the installed seatbelts. Circumstances may, however, occur in which officer safety issues may outweigh the use of the seat belt (i.e. removing the seat belt just prior to arriving at the scene of an emergency call).

VI. INSPECTIONS

- A. Officers will be responsible for inspecting the interior of their assigned patrol units for contraband and weapons during the course of their shift. The vehicle will be inspected as follows:
 - 1. Immediately after transporting person(s) or prisoner(s);
 - B. Any contraband or weapon(s) found during the inspection prior to starting the shift will be reported to the inspecting officer's supervisor as soon as possible.
 - C. Shift Supervisors will conduct inspections of vehicles utilized by their subordinates as necessary to insure the above procedures are being adhered to.
 - D. Any officer using another officer's assigned vehicle should return the vehicle back to the assigned officer in a well maintained condition and all assigned equipment remains in place upon return.

VII. MAINTENANCE

- A. Police department employees assigned a police unit will be responsible for the following:
 - 1. Cleanliness of the interior and exterior of the vehicle
 - 2. Regular maintenance is maintained on his/her assigned department vehicle.
- B. Members of this department will be restricted from:
 - 1. Making anything but minor adjustments on any vehicle;
 - 2. Altering the body, general design or appearance of any vehicle;
 - 3. Any equipment or addition shall require permission from

- the Chief of Police;
- 4. Making any repairs or having any repairs made to the vehicle other than at a Garage, unless emergency circumstances exist;
- 5. Using fuel, oil, lubricant, or other liquid additives in the vehicles other than those issued at, or authorized by, the department.
- D. Willful acts or negligence on the part of employees in the care or operation of vehicles or failure to follow the established policies governing the use of vehicles will be cause for disciplinary action.
- E. Problems with the operation or function of the vehicle or vehicle equipment should be reported to the officer's immediate supervisor.
- F. When a department vehicle is in need of service or repair, the requesting employee will complete a memorandum with detailed information describing what deficiency was observed or what service is required. The Vehicle Maintenance history will be kept by the Support Services Lieutenant. If any questions arise as to the maintenance history of any fleet vehicle.

VIII. PATROL SHIFT ASSIGNMENTS

- A. The Los Lunas Police department will provide continuous patrol coverage during shift changes. Shift schedules may be 8 hours, 10 hours, or 12 hours, which is at the discretion of the Chief of Police, and Shift times may change at the discretion of the Chief of Police.
- B. Shift assignments are at the discretion of the Patrol Lieutenant, Deputy Chief and/or the Chief of Police.
- C. The Los Lunas Police department has a shift bid system. Bids will be done once a year or twice a year, depending on the needs of the department. Any other rotation of shift personnel will be at the discretion of the Patrol Lieutenant, Deputy Chief and/or the Chief of Police.
- D. Shift supervisors will assign patrol officers to districts on a case by case basis, based on criminal activity in a particular district. Under normal patrol functions no districts will be assigned.

IX. VEHICLE ASSIGNMENTS

A. Assigned Police Vehicles

The department assigns POLICE vehicles to each individual Officer for the reasons listed below.

1. Increase the number of police vehicles available for response to urgent calls for assistance.
2. Increase the visibility of the police, thereby enhancing the department's efforts to prevent crime and demonstrating the department's ability to respond to the needs of the public.
3. Enhance the department's ability to summon off-duty officers in cases of emergency and have them report directly to sites where needed.
4. Provide improved maintenance of vehicles by placing that responsibility on individual officers.

B. Individual Vehicle Assignments – Take Home Units

1. The department has established a policy of assigning take home police vehicles to the following positions: (Revised 06-25-2012).
 - a. Officers can be assigned any vehicle in the fleet at the discretion of the Chief of Police.
 - b. The take home unit policy can be terminated at any time at the discretion of the Chief of Police.

X. USE OF ASSIGNED POLICE VEHICLES

A. On Duty Usage

1. Assigned police vehicle may be maintained at the assigned officer's primary residence. The vehicle should be parked in a location as to minimize the possibility of damage to the vehicle, yet provide maximum visibility to the public.
2. Assigned police vehicles may be driven for any duty assignment. They may also be driven off duty to attend court, department sponsored training, department meetings or while conducting any legitimate department

business, or during off duty usage as described below.

3. In the event of a shortage of police vehicles, for on duty use, the supervisor has the discretion to obtain needed vehicles from officers who are off duty and in possession of an assigned police vehicle. The supervisor will attempt to make arrangements with the officer(s) prior to obtaining the vehicle.
4. A police vehicle may be assigned to one officer and a spare key shall be maintained by the support services Lieutenant or fleet manager in the event of an emergency.
5. On duty officers, unless otherwise authorized, must wear the uniform required by that duty and have all required equipment available in the vehicle. This includes but is not limited to badge, body armor, cuffs, gun.
6. Police vehicles will not be kept running idle unless the vehicle overhead lights are on or the vehicle is used for the K-9.
7. Officer(s) are not allowed to transport anyone other than a village of Los Lunas Employee while in an on duty status unless given permission by the Chief of Police or his designee.
8. If an officer is going to be on any type of leave for five days or more the assigned take home vehicle must be turned in and left at the Police department. Once the officer returns to work, the vehicle will be reassigned to them.

B. Off Duty Usage

Officers are allowed the off duty usage of assigned units while following the below listed parameters.

1. Department vehicles can only be utilized for work and work related functions, such as court, training, maintenance/cleaning of the vehicle, and for working out before or after shift. Department vehicles shall not be used in off duty for personal business, i.e., errands, visiting others, etc.
- 2 Off duty officers must be attired in functional clothing of good

taste in the event they are required to perform the duties of a police officer. Off duty officers must possess a badge, department approved handgun and handcuffs. These items must be carried on the officer's person when exiting the vehicle to perform a police function. Off duty officers are encouraged to have departmental issued body armor and portable radio available in the vehicle.

- 3 Officers are not allowed to transport anyone other than a village of Los Lunas employee while in an off duty status unless given permission by the Chief of Police or his designee.
- 4 An off duty officer, operating a police vehicle, may be subject to the requirements of police service.
- 5 Off duty officers may respond to the scene of a felony in progress when close enough to significantly enhance the department's ability to protect life and/or property, or when requested by a supervisor.
- 6 Off duty officers may be confronted with other situations wherein police action is warranted. Off duty officers are encouraged to use discretion when dealing with situations. Officers are expected to follow the law and act within the Rules and Regulations of the department. When feasible, an on duty officer should be called to handle the situation.
- 7 The off duty usage of the Village of Los Lunas Police department unit is a voluntary benefit. Officers are aware that the usage of the unit does not carry monetary compensation unless the officer's act in an official capacity.

XI. CRASHES INVOLVING POLICE VEHICLES

A. Duties of Employees

Any member of the department who becomes involved in a collision while operating a police vehicle is responsible for making sure the following steps are completed (unless physically incapacitated; it then becomes the duty of the first officer to arrive on the scene).

1. Notify communications of the location of the collision so the shift supervisor can be informed;
2. Check all involved parties for injuries and request

appropriate medical attention, if necessary.

3. Request for communications to notify a supervisor as soon as possible.
4. Make no statement or accusations concerning the cause of the collision or guilt of any part to anyone other than the on-duty Shift Supervisor(s) or the officer conducting the investigation.
5. Make sure none of the vehicles involved are moved prior to the arrival of the investigating officer, unless public safety mandates they be moved.

B. Duties of Shift Supervisor

1. Upon notification shall confirm that a preliminary response by a Supervisor is being made to protect and preserve the scene and insure treatment of the injured.
2. A traffic officer, shift supervisor or higher ranking officer will conduct the investigation unless it is determined that an outside agency needs to conduct the investigations due to the circumstances.
3. As soon as practical, notify the Lieutenant of the involved employee.
4. Insure that the Chief of Police has been notified of the collision by appropriate staff as soon as possible.
5. Respond to the scene and secure the scene.
6. Determine what injuries were sustained (if any) and what treatment was obtained, including information in reports submitted to patrol Lieutenant.
7. Perform whatever notifications of family are required in the event of a serious injury to the involved police officer; make sure the notifications of family members of any civilians involved are made, if necessary.
8. Insure that all administrative reports are completed in a timely and accurate manner. This may include charge sheets for a towing service on the police vehicle and damage to city property.
9. The supervisor in charge will have the officer submit to a

breath test, a blood test or both if reasonable suspicion exists that the officer may be under the influence of alcohol and or drugs.

C. Investigations

1. All motor vehicle crashes involving a police vehicle whether on or off-duty will be investigated by a supervisor or traffic unit officer unless it is determined that an outside agency is needed due to the circumstances.
2. All crashes involving police vehicles whether on or off-duty will require a written report to be generated and departmental damage to vehicle report will be filled out either by the driver of the police vehicle or his immediate supervisor.
3. An officer of the department will be required to take photographs of the crash scene for department use only.
4. The Patrol Lieutenant will be notified immediately.
5. Citations for Officer involved in collision
 - a. When a member of the department receives a summons on a citation resulting from an investigation covered under this section, they will appear in Court at the time required on the summons or citation. Members of the department involved in collisions covered in this section may be subject to disciplinary action in addition to any court enforcement action.

D. Damaged Police Vehicles

1. Any police vehicle extensively damaged will be towed or driven to a location determined by the on-duty supervisor and stored at that location pending repairs.
2. Vehicles incurring minor damage will be parked at the department and not be used except in an emergency, unless otherwise specified by a supervisor.
3. All bids and repairs will be handled by the Chief of Police or his designee.

XII. VALID NEW MEXICO DRIVERS LICENSE

- A. All members of the department who operate a department vehicle shall have in their possession at all times a valid New Mexico Driver's License.
- B. If a member has their driving privileges revoked or suspended, they are responsible for contacting their immediate supervisor.
- C. To ensure compliance with insurance standards, each employee who operates a department vehicle is subjected to a DMV record check at evaluation time.

XIII. CODE 1 RESPONSE

- A. When responding to a non-emergency call, operation of the vehicle will be with no emergency lights or sirens in operation and within the posted speed limits.
- B. Unless assigned, dispatched or requested to respond to a call, all patrol units will remain on patrol in their assigned area. This is not to discourage response of additional units for back-up, if necessary with appropriate information given to dispatch.
- C. Supervisors may respond to any call at any time, and are encouraged to do so and provide guidance and assistance when required.
- D. Unless exigent circumstances exist, any other member of this department operating a police vehicle shall abide by the state statutes and Village traffic ordinances.

XIV. CODE 2 RESPONSE

- A. Certain conditions may exist where officers need to only utilize emergency lights, Code 2 operation.
- B. Officers may operate their vehicle Code 2:
 - 1. While conducting a funeral escort; or
 - 2. While conducting a traffic stop;
 - 3. While stopped in the street for some reason, such as investigating a crash, assisting a stalled vehicle or conducting traffic control; or
 - 4. When the officer reasonably believes that use of Code 2 is

justified.

XV. CODE 3 RESPONSE

- A. The purpose of emergency equipment on police vehicles is to allow the vehicle to proceed through traffic at a reasonable rate of speed with a minimum risk to lives and property by warning other motorists.
- B. When driving under emergency conditions, officers of this department will conform to the rules of safe driving and maintain control of the emergency vehicle at all times.
- C. In emergency conditions, when the posted speed limit must be exceeded. Officers will utilize emergency lights and siren, Code 3 operation. The posted speed limit may be exceeded within reason, keeping in mind the inherent dangers.
- D. Officers may operate their vehicle Code 3:
 - 1. upon a call for 'officer needs assistance'; or
 - 2. when human life is known to be in danger (such as a crash with injuries)
- E. An officer may be the subject of disciplinary action if it is determined that he/she failed to use reasonableness and disregarded established traffic laws.

XVI. OFFICER'S RESPONSE TO CALL:

- A. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
- B. All units responding to robbery and/or burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
 - 1. Officers are reminded that upon deactivation of a siren or flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.

C. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.

D. Officer-initiated response.

When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the department authorizes an emergency response.

Examples include:

1. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
2. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
3. Responding to a non-Code 3, where the officer has previous or additional information which would have resulted in the call being dispatched as Code 3.
4. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.
5. In response to an officer's emergency request for assistance.
6. For pursuit, see section XVIII

E. Use of emergency warning devices in non-emergencies:

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

XVII. TRAFFIC ENFORCEMENT

- A. Local government employees, including Village of Los Lunas employees, are not exempt from traffic laws even when the employee is operating a city vehicle.
- B. When an officer observes a traffic violation, the officer has the discretion to take one of these actions:
 - 1. Issue a verbal or written warning.
 - 2. Issue a traffic or parking citation.
 - 3. Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.
- C. A uniform traffic enforcement policy does not preclude the exercise of officer discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.
- D. Optional levels of enforcement may be utilized in incidents of:
 - 1. Speed Violations.
 - 2. Hazardous violations other than speed.
 - 3. Public carrier/commercial vehicle violations.
 - 4. Other non-hazardous violations.
 - 5. Off-road vehicle violations.
 - 6. Multiple violations.
 - 7. Newly enacted laws and regulations.
 - 8. Pedestrian and bicycle violations.
- E. Uniform enforcement measures support the ultimate aim of traffic law enforcement which is to achieve voluntary compliance with traffic laws and regulations.
- F. Traffic enforcement will be accompanied by consistent, ongoing

supervisory oversight to ensure that officers do not go beyond the parameters or reasonableness in conducting such activities

G. Driver's License Violations

1. Officers may use their discretion concerning the enforcement action on drivers who do not have a license in their possession, but the DMV computer indicates they have a valid license.
2. If a driver has a valid New Mexico driver's license in their possession, but the DMV computer indicates their New Mexico driving privileges have been suspended or revoked, the officer may issue a citation and set an appearance date. The person shall not be allowed to continue operating their vehicle.
3. If a driver has a valid out-of-state driver's license in their possession, but the DMV computer indicates their New Mexico driving privileges have been suspended or revoked, the officer can arrest them and complete the appropriate paperwork. The person shall not be allowed to continue operating their vehicle.
4. If the driver does not have a license in their possession, and the DMV computer indicates their license is suspended or revoked, the officer may arrest on that violation, and complete the appropriate paperwork. The person shall not be allowed to continue operating their vehicle.
5. The above enforcement methods apply to traffic crash investigations as well as routine traffic stops.

H. Equipment Violations

1. Officers should use their discretion when issuing citations for equipment violations.

I. Open Containers

1. The person in possession of the alcohol can be cited. If a passenger is in possession, he/she can be cited for the violation and the narrative should indicate that the offender was a passenger.

2. If the offender is under 18 years of age, he/she should be cited or charged with a criminal offense rather than a traffic citation.

XVIII. PROCEDURES FOR COMMUNICATIONS

When checking out with a vehicle the officer should relay the following information to dispatch:

- license plate number of vehicle
- description of vehicle
- location of traffic stop

XIX. OFFICER CONDUCT ON TRAFFIC STOPS

Motorists and pedestrians shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Upon observation of a violation, officers will stop the vehicle in a manner and location that minimizes danger to the violator, the officer and the public.

- A. The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the officer from traffic approaching from the rear.
- B. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the officer a better view of what is happening inside the violator vehicle.
- C. The department recognizes that with experience, officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:
 1. Give a greeting, such as "Good morning, ma'am," "Good evening, sir," etc.
 2. Identify yourself for example: "I am Officer Jones of the Los Lunas Police department.
 3. State the reason why the person is being stopped or

detained. For example: "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)

4. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say," often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
5. Politely ask for identification and any required documents. Ex: "May I please see your license, registration, and proof of insurance?"
6. After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, see the judge, etc.
7. Give an appropriate closing. For example, if the motorist is cooperative, "Thank you for your cooperation" may be in order. "Please drive carefully, your safety is important to us" is appropriate.

D. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The proper form must be filled out by the officer, and shall include the gender of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.

E. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof on the appropriate department forms, including a "consent to search form ". If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the

form anyway and indicate 'consented to search but refused to sign', inserting initials and the signature of any witness in the signature block.

- F. If the police unit is equipped with in-car dash camera, the video and sound shall be activated prior to the stop to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey. If the unit does not have an in-car dash camera, the officers shall use a body camera recording device. If the officer does not have a body camera recording device, then the officer will use a belt recorder. If the motorist is arrested, the video and/or audio file will be saved and marked as evidence.
- G. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- H. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.
- I. Officers should maintain a professional image, in a pleasant, firm and businesslike manner.
- J. Driver's license and insurance cards shall not be accepted until they are removed from a wallet or billfold.
- K. All necessary items needed for a traffic stop should be available within ready reach. The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications on the driver.
- L. Upon completion of the traffic stop, officers should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Officers should allow the violator vehicle to leave first to afford protection from oncoming traffic.

XX. SPEED MEASURING DEVICES

- A. In order to ensure that traffic safety goals and objectives are met, the department uses speed measuring devices in traffic law

enforcement.

B. Equipment used as speed measuring devices includes:

1. Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
2. Laser Radar (LIDAR) speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.

C. At the beginning and end of each shift, radar/LIDAR site tests shall be conducted on radar/LIDAR units to determine accuracy and proper functioning.

D. If a radar/LIDAR unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.

1. The radar/LIDAR unit will be turned over to the Lieutenant, who will ensure that the radar/LIDAR unit is repaired.
2. A maintenance and calibration log will be maintained for the radar/LIDAR units. This log will include problems that have been encountered with the radar, when it was sent for repairs, when it was returned to the department and any calibration that was done on the radar. This log will be maintained in support services.

E. No officer shall utilize the radar/LIDAR unless they have been trained certified in its use.

XXI. CITATION ACCOUNTABILITY

A. When a citation book is needed, the officer shall obtain the book from records. The support services Lieutenant is responsible for ensuring that the books are in numerical sequence. Discrepancies shall be reported to the support services Lieutenant.

B. The support services Lieutenant shall be responsible for maintaining a record which includes the numbers of the books, the date of issue and to whom they were given,

- C. When an officer receives a citation book, he/she will check to see that all citations in the assigned book are in place and in numerical order. Missing or lost citations shall be reported immediately to his/her supervisor and the records clerk.
- D. When an officer voids a citation he/she will ensure that all copies are intact and write void across the front of the citation. The officer then will indicate on the citation the reason it was voided, and will sign and date the citation. The citation then will be turned into his/her supervisor for approval.
- E. If any officer places the citation into evidence, the officer will notify the Patrol Sgt. and records supervisor of the citation number.

XXII. ISSUING CITATION

- A. When issuing a citation, the issuing officer will confirm with the violator that all personal information on the citation is correct.
- B. Officers will ensure that the citation is legible.
- C. Officers may give the violator the option to appear in court or sign the penalty assessment (The officer must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)
 - 1. If the violator chooses to mail in the penalty assessment, he/she should be advised that it must be mailed within 30 days. The violator shall be given either a pre-addressed envelope to use for the purpose of mailing in the citation and fine or the officer will ensure the violator has the correct address to use for mailing in the fine. Penalty assessments are applicable only for traffic citations.
 - 2. If the violator is cited into Municipal Court, he/she will be cited into court at the specified time given by the court.
 - 3. If the violator is cited into Magistrate Court, he/she will be cited in for the next court appearance date at the specified time.
- D. The officer will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, a second officer will be requested. The violator shall be given a second opportunity to sign the citation. If the violator

still refuses to sign the citation, the officer will write "refused to sign" on the citation. The officer will explain to the violator the citation will be turned into the court. The officer will make an attempt to provide the violator with a copy of the citation. If the violator refuses to accept the citation, a copy will be mailed.

- E. If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section. If there are no witnesses, state "No witnesses".

XXIII. ENFORCEMENT METHODS

A. Routine enforcement

1. Traffic law enforcement activities are specifically directed toward controlling violations through preventive patrol and active enforcement.
2. The most effective deterrent to traffic law violations is visible patrol in a marked police unit.
3. In order to maintain a posture of prevention as opposed to apprehension, traffic law enforcement activities shall be conducted in the following manner:
 - a. Police vehicle shall be operated in accordance with existing laws and operators shall demonstrate exemplary driving behavior. Emergency situations shall be exceptions to this practice.
 - b. In areas where fixed posted observation is necessary to maximize effectiveness of selective enforcement efforts, police cars shall be parked in a conspicuous location in a manner that does not impede traffic flow.
4. Proactive Enforcement

The department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes will be prevented through proactive patrol.

Officers will receive initial and on-going training in

proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity. The laws governing search and seizure, and inter-personal communications skills.

Proactive traffic enforcement usually is based on factors such as traffic volume, reported crashes, frequency of violations and emergency/service needs.

5. Selective enforcement shall be accomplished through the following:

a. Area Patrol

Assignment of personnel to an area where the frequency of crash-causing violations is high or the potential for crashes is high due to traffic volume or emergency/service needs.

b. Directed or Spot Patrol:

Assignment of personnel to designated locations. Assigned personnel are concentrated at a single location. The method may be most effective where a fixed post can be observed by a greater number of motorists.

XXIV. SPECIAL CIRCUMSTANCES IN TRAFFIC ENFORCEMENT

A. Non-Resident Violators

Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the officer should be used in issuing verbal warnings as opposed to written citations, just as with any violator.

B. Juveniles

1. As provided in the New Mexico Children's Code, the Municipal or Magistrate Court has original exclusive jurisdiction over all traffic code violations, with certain exceptions. However, if the Children's Court acquires jurisdiction over a child pursuant to any of

the Motor Vehicle Code violations listed in the Children's Code, it shall have jurisdiction over all traffic violations alleged to have been committed by the child arising out of the same occurrence.

2. It is recommended that if a citation is written to a child under the age of fifteen (15), the officer should have the parent or guardian co-sign the citation.

C. Legislators

Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same."

D. Military Personnel

Military Personnel will be treated in the same manner as other violators with the following exception:

The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:

1. They hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service.
2. They are stationed outside the geographical limits of this state.
3. They are on leave from military service.
4. Only while operating a motor vehicle in this state.

E. Foreign Diplomats/Consular Officials

1. Moving Violations

When a Consular Official is stopped for a moving violation, the officer, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either dismiss the motorist with a warning or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.

2. Driving While Intoxicated.

The primary consideration in this type of incident should be to ensure that the Consular Official is not a danger to himself or the public. Based upon a determination of the circumstances, the following alternatives are available:

- a. Contact a relative or friend to take custody of the official.
- b. Call a taxi for the official.
- c. Take the official to a secure environment.

3. Family members

Family members of a Consular Official cannot claim immunity.

XV. REQUESTS FOR RE-EXAMINATION OF DRIVERS

- A. Officers may encounter persons who appear to be incompetent, physically or mentally disabled or suffering from disease or other conditions that prevent them from exercising reasonable and ordinary care over a motor vehicle.
- B. Officers discovering persons of this nature shall:
 1. Submit a letter to the department of Motor Vehicles detailing the reason they believe this person is an unsafe driver and requesting the person be retested. The information should include, at the very least, the subject's name, birth date and social security number.
 2. Include with this form copies of any citations or crash reports on file regarding the individual.
 3. Mail this information to:

Driver Services Bureau
Dept. of Motor vehicles
1100 S. St. Francis Drive
Santa Fe. NM 87503

- C. If family members express concern about the driver, they should be advised that they also may send a letter to the above address and that the department of Motor Vehicles supplies a "Medical Report" which can be completed by a physician.

XVI. Traffic Control

- A. Officers are required to control and direct traffic in the simplest and safest way possible. Officers will use all available lighting to ensure that the scene and the officer's safety is paramount. The officers are required to wear a traffic safety vest while directing/controlling traffic at any time, i.e. directing traffic at structure fires, crashes, funeral escorts while out of the patrol unit, traffic control around crime scenes. Officers working roadblocks/checkpoints will wear reflective gear.
- B. Officers should not park or allow anyone else to park inside the perimeter of a traffic situation where evidence could be destroyed.
- C. Officers can utilize flares to assist in securing areas of concern. All safety precautions shall be adhered to. (No flares shall be used near flammable, combustible, explosive, composite or any other material capable of ignition by a flare.